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Paper No. 9

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JUL 30 2002

OFFICE OF PETITIONS

In re Application of	:
Kishan Shenoi et al	:
Application No. 09/993,302	:
Filed: November 14, 2001	:
Attorney Docket No. SYMM1220-1	:

DECISION GRANTING  
PETITION

This is a decision on the petition under 37 CFR 1.10(c) filed April 16, 2002, requesting that the above-identified application be accorded a filing date of November 14, 2001, rather than the presently accorded filing date of November 16, 2001.

Applicants allege that the application was deposited in "Express Mail" service with the U.S. Postal Service on November 14, 2001. In support, applicants provided a copy of the Express Mail label, receipt No. EL780052604US, showing a "date-in" of November 14, 2001. The same Express Mail receipt number appears on the original transmittal letter found in application file. Applicants request that the application be accorded a filing date of November 14, 2001.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "Date In" on the Express Mail label, MPEP 513. That is the date that verifies that the package was actually mailed. That is the date that verifies that the package was actually mailed. The evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on November 14, 2001.

The petition is granted.

No petition fee is required and none has been charged.

Receipt is acknowledged of the statutory basic filing fee, the declaration, petition for a two month extension of time, change of address, and the power of attorney filed April 16, 2002, using a Certificate of Mailing dated April 8, 2002, in response to the Notice mailed December 6, 2001.

The application is being returned to Initial Patent Examination Division for correction of the filing date to November 14, 2001.

Telephone inquiries specific to this matter should be directed to Wan Laymon at (703) 306-5685.

*Sherry Brinkley*

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